

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

MICHAEL WATSON, INDIVIDUALLY,  
AND AS FATHER AND NEXT FRIEND  
OF JOHN WATSON,

Plaintiff,

v.

PARTNER INDUSTRIAL PRODUCTS,

Defendant.

CIVIL ACTION  
NO: 04-11782 DPW

**PLAINTIFF'S MOTION TO AMEND THE COMPLAINT**  
(assented to)

The Plaintiff hereby moves this Court to issue an order permitting him to amend the Complaint to correctly identify the Defendant. As grounds for his motion, the Plaintiff states the following:

1. This is a product liability case in which the Plaintiff alleges that the Defendant, Partner Industrial Products, designed, manufactured and sold a defective chop-saw which caused severe personal injury to Michael Watson in the form of severing the peroneal nerve in his lower left leg. The accident occurred on December 5, 2001, while Mr. Watson, a construction laborer, was using an electric chop-saw to cut rebar in an access tunnel on the Central Artery Tunnel project in Boston.
2. The Complaint was originally filed in Massachusetts Superior Court, Suffolk County, and was served on the Defendant on or about July 27, 2004.
3. The case was then removed to this Court on August 13, 2004, and in its Notice of Removal, the Defendant disclosed that the Partner Industrial Products is an

“unincorporated division of Electrolux.”

4. On August 20, 2004, the Defendant answered the Complaint and identified itself as Electrolux Professional Outdoor Products, Inc.
5. Fed. R. Civ. P. 15 provides that the pleadings may be amended with permission of the Court and that leave shall be given when justice so requires.
6. This Motion to Amend is timely brought because the deadline for amending the pleadings, as set by the Scheduling Order, is November 15, 2004.
7. The Defendant has given its assent to this motion and has indicated that it will not file any opposition.
8. A copy of the proposed amended Complaint is Attached as **Exhibit A**.

WHEREFORE, the Plaintiff moves this Court to issue an order permitting the Complaint to be amended to change the name of the Defendant from Partner Industrial Products to Electrolux Professional Outdoor Products, Inc.

/s/ Jonathan E. Tobin  
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